REMARKS

U. S. Patent number 6,598,090 issued on July 22, 2003 on a parent application to the present application. Applicants submit herewith a Terminal Disclaimer to overcome a rejection based on a nonstatutory double patenting ground.

Claims 5, 6, and 12 and 21-33 are the subject of the present Divisional patent application. The Examiner has rejected Claims 5-6, 12, 21, 24-26, 28-29 and 31-33 under 35 USC 103 as unpatentable over Bakow in view of Lister; and has rejected Claims 22-23, 27 and 30 as unpatentable over Bakow in view of Lister and further in view of Savitzky.

The present application teaches and claims a control facility, a network, and a method for providing network administration for a network comprising at least one server location and a plurality of client locations associated with each of the at least one server. The control facility comprises at least one processing component for gathering stored software program information, including at least one of program version, access levels, operability information, program security data, e-mail template version, and user-designated address list information, from said locations on said network and for evaluating the content of said program information; at least one storage component associated with the at least one processing component for storing program information gathered from the

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locations; at least one communication component for effecting communication from the at least one processing component along the network in response to the evaluating; and a response generating component for generating a response based upon the content of information gathered from at least one of the network locations.   Applicants respectfully assert that the cited art does not teach or suggest the invention as claimed.

The Bakow patent is directed to an architecture wherein a plurality of agent servers are provided to execute a query faster than could a single managing server. Under the Bakow teachings, a manager server computer 106 schedules retrieval queries for execution by the agent servers 112, 114 and 116 based on availability of the agent servers and based on the connectivity between the agent servers and the data sources (118 and 122) and data targets (122 and 124) required for the query. Bakow's manager server computer needs to gather connection information (i.e., which agent server is connected to the needed data source and to the requesting data target) and storage information (i.e., which data source has the requested data to be retrieved). Once the manager server determines that a particular agent server is connected to the data source that has the requested information, the agent server retrieves the data from the data source and sends it to the data target. Bakow does not teach or suggest the manager server gathering stored software program information from its network locations (agent servers, data sources and data

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targets). Bakow is not concerned with stored software program information at the agent servers, including program versions, access levels, operability information, program security data, e-mail template version, and user-designated address list information. Applicants further assert that Bakow does not gather such information, does not evaluate gathered program information (e.g., for consistency), and does not generate communications to the network locations based on an evaluation of program information gathered therefrom. The Bakow system does not teach that a managing server initiates communications with client locations, let alone that it provides communications based on an evaluation of program information gathered from the locations. What Bakow provides is for data transfers between a data source and a data target when the data source and the data target are connected to an available agent server.

The Examiner has concluded that it is "implicit in Bakow" (see: page 3 of the Office Action) that at least one processing component gathers stored software program information. Applicants disagree with this conclusion. There is nothing in Bakow which teaches or suggests that stored software program information is gathered from any location. Bakow simply determines which data source stored the requested information and which entities are connected to each other. The Examiner further concludes that Bakow teaches a communication component (server agent) "for effecting communication from said at least one

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processing component along said network". Applicants respectfully contend that the claim language does not recite any communication component in the network. Rather, the claims recite a communication component which is associated with the processing component that has gathered and evaluated stored software program information and which communicates with network locations based on the evaluation of the gathered software program information.

The Examiner has acknowledged that Bakow does not teach a step or means for evaluating program information on network locations, and has cited the Lister patent. The Lister patent is cited for its teachings found from Col. 13, line 57 through Col. 14, line 5. The cited teachings discuss the Lister use of a known Microsoft component for monitoring network performance. What the Lister component does is monitor network traffic and gathers traffic statistics as an indicator of network performance. Such monitoring of network traffic is not the same as or suggestive of the invention as claimed. The pending claims expressly provide for the gathering and evaluating of stored software program information. Applicants respectfully assert that the Lister monitoring of network traffic does not anticipate or obviate the claimed evaluating of gathered program information including at least one of program version, access levels, operability information, program security data, e-mail template version, and user-designated address list information. Moreover,

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There is nothing in either Bakow or Lister which teaches or suggests preparing responses or initiating communications based on an evaluating of gathered program information.

Applicants respectfully assert that the Examiner has not established a *prima facie* case of obviousness against the claim language. It is well established under U.S. Patent Law that a *prima facie* case of obviousness can only be established by citation to prior art that teaches or suggests all of the claims limitations (*In re Wilson,* 424 F. 2d 1382, 1385, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970)). Since neither Bakow nor Lister teaches or suggests gathering program information from network locations, wherein the program information includes at least one of program version, access levels, operability information, program security data, e-mail template version, and user-designated address list information, evaluating the gathered information, and communicating based on the evaluating, it cannot be maintained that the claim language is obvious.

The Examiner has additionally cited the Savitzky patent for its teaching, at Col. 6, lines 36-67 of a feature calculator 21 that scans transaction data elements (so-called "snippets of code") at the single location to discern features of a transaction in order to determine what resources of that single location will be needed to perform the transaction. The scanning and the transaction all take place that the same location. There is nothing in the cited Savitzky patent teachings which discloses

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or suggests the scanning of data at a different network location to scan stored software program information at that network location, let alone the gathering of the program information, the evaluating of the program information, and the generating of responses/communications based on the evaluating. Accordingly, Applicants again conclude that the Examiner has not established a *prima facie* case of obviousness against the claim language.

Based on the foregoing amendments and remarks, Applicants respectfully request entry of the amendments, consideration of the remarks, withdrawal of the rejections, and allowance of the claims, as amended.

Respectfully submitted,
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